



March 9, 1999

Ms. Tina Plummer
Open Records Coordinator
Texas Department of Mental Health &
Mental Retardation
P.O. Box 12668
Austin, Texas 78711-2668

OR99-0664

Dear Ms. Plummer:

You ask this office to clarify our ruling in Open Records Letter No. 98-2935 (1998). Your request for clarification was assigned ID# 122593.

The Texas Department of Mental Health and Mental Retardation (the "department") received a request for various categories of information pertaining to Rusk State Hospital. In Open Records Letter No. 98-2935, this office concluded that the department had failed to seek a decision from this office within the statutory ten business day deadline. *See* Gov't Code § 552.301. However, because the requested information was confidential by statute, we concluded that the department must withhold the requested information under section 552.101 of the Government Code. You now ask that we review our records to determine whether the department met its statutory deadlines. Although your request for clarification does not affect the substance of the prior ruling, you explain that "[i]t is important the requestor be notified that the Department was in compliance with the Public Information Act regarding this request."

We have reviewed our records and conclude that the department did indeed meet its statutory deadlines. Open Records Letter No. 98-2935 (1998) is overruled to the extent that it conflicts with this ruling.

If we could be of further service, please contact our office.

Sincerely,

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 122593

cc: Ms. Vanessa Curry
Jacksonville Daily Progress
P.O. Box 711
Jacksonville, Texas 75786